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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,118

03/12/2004

Jeffrey W. Meyer

C03-04

8240

40990

7590

07/13/2006

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,118

Applicant(s)

MEYER ET AL.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office action is responsive to communication received 04/21/2006 –
Amendment and Election.

Claims 14-26 have been canceled, as directed.

Claims 1-13 and 27 remain pending.

Following is an action on the MERITS:

Drawings

The drawings were received on 04/21/2006. These drawings are acceptable.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 6, 7, 11 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (Publication 2005/0143189). As to claim 1, note body (1) and crown (3). The body and crown are formed of diverse materials. Element (2) serves as the

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vibration dampening and acoustical attenuating material. Note, Lai does mention that the upper lid construction creates a crisper sounding golf club head when hitting a golf ball. See page 2, column 1, paragraph [0028]. As to claim 3, the body is formed of titanium and the crown is a composite material. See paragraphs [0005] and [0007]. As to claim 5, it is clear that the composite crown is either formed or injection molded. As to claim 6, the second material, i.e., the crown, is a composite material. As to claim 7, the body is forged. See paragraph [0005]. As to claim 11, note Figure 1, showing that the vibration dampening and acoustical attenuating material identified herein as element (2) covers substantially the entire inside surface of the crown portion. As to claim 27, the layer of vibration dampening and acoustical attenuating material identified above as element (2) covers at least the outer inside edge surface of the crown portion. Note, the claim language does not call for the layer of vibration dampening and acoustical attenuating material to cover only the outer inside edge surface of the crown portion. In other words, the claim does not preclude the vibration dampening material from covering more than the outer inside edge surface.

Claims 2, 4, 8, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (Publication 2005/0143189). As to claims 2, 4, 12 and 13, it is clear that the applicant has not invented the claimed materials. Rather, the claimed materials have been selected based upon what may have been considered to display an optimal or preferred characteristic of the club head. Stainless steel alloys, composites, thermoplastics and titanium are all known materials used in the golf art. As to claims 8 and 9, the claimed limitations apparently are related to the particular method

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of making selected parts of the head and do not patentably distinguish the structure of the claimed invention over the Lai teaching. As to claim 10, to have modified Lai to include the claimed coefficient of restitution (COR) would have been obvious in view of the current USGA regulations regarding the maximum COR.

Further references of record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lo shows a composite crown structure. Hutin shows vibration dampening material in the crown, sole, rear face and back area. Note the dampening material in Kurashima. Sheih shows a vibration absorbing ring-shaped member (2). Onoda shows a composite crown structure, of interest.

Conclusion

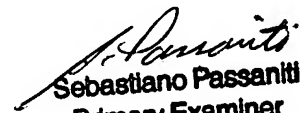
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
July 6, 2006


Sebastiano Passaniti
Primary Examiner